REMARKS

Claims 1-55 are pending in this application. Claims 1, 5, 9, 12-18, 20-21, 39, 42, 44, and 46-55 are independent. In light of the amendments and remarks made herein, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

By this Amendment, Applicants have amended some of the independent claims to reflect that the method of data transfer is selected from a plurality of methods of data transfer. It is respectfully submitted that these amendments are being made without conceding the propriety of the Examiner's rejection, but merely to timely advance prosecution of the present application. It is further respectfully submitted that these amendments do not narrow the present claim scope.

In the outstanding Official Action, the Examiner rejected claims 1, 4-5, 8, 22-23, 34-43, and 46-55 under 35 U.S.C. §102(e) as being anticipated by *Anderson* (USP 6,427,165); rejected claims 12-18, 20, and 25-32 under 35 U.S.C. §102(e) as being anticipated by *Asano* (USP 5,881,240); rejected claims 2 and 6 under 35 U.S.C. §103(a) as being unpatentable over *Anderson* in view of Microsoft Press Computer Dictionary (1997); rejected claim 19 under 35 U.S.C. §103(a) as being unpatentable over *Asano*; and rejected claims 3 and 7 under §103(a) as being unpatentable over *Anderson* in view of

Feuerstraeter et al. (USP 6,285,659). Applicants respectfully traverse these rejections.

Applicants wish to thank the Examiner for allowing claims 9-11, 21, 24, 33, 44-45, and 54-55. Applicants wish to additionally thank the Examiner for withdrawing the finality of the previous Office Action.

Claim Rejections - 35 U.S.C. § 102 - *Anderson*

In response to Applicants' arguments filed September 17, 2004, the Examiner responds by asserting that the claims to not recite selecting from a plurality of transfer methods.

While Applicants disagree with the Examiner, by this Amendment, Applicants have amended the independent claims to reflect selecting a method of data transfer from a plurality of methods of data transfer. Applicants maintain that *Anderson* fails to teach or suggest this claim element.

The *Anderson* reference is directed to a method and apparatus for information retrieval from a network using parameter value sampling. Specifically, *Anderson* teaches a system including central processor 102 for performing data manipulations and controlling the tasks of the information handling system 100. The system searches a network for information according to a predetermined criterion. After determining the information is located at a node on the network, technical parameters of the node are determined. *Anderson* teaches these technical parameters as being, for example, whether

the node is currently accessible, if there is restricted access to the node, the connection rate to the node, whether a fee is required to access the node, etc.

Applicants maintain that the Examiner's reliance on col. 5, lines 9-11 of *Anderson* is insufficient to teach or suggest the transfer selecting unit of the present invention. *Anderson* merely notes that if the determined parameter value has an acceptable value the information may be obtained from the node in question. However, there is no disclosure in *Anderson* that is directed to selecting a method of data transfer from a plurality of methods of data transfer based on the data attribute information of each data item acquired by the data attribute information acquiring unit. As *Anderson* fails to teach or suggest all of the claimed elements, claim 1 is not anticipated by *Anderson*. As the remaining rejected independent claims contain elements similar to those discussed with regard to claim 1, *Anderson* fails to also anticipate these claims, together with their respective dependent claims.

Claim Rejections - 35 U.S.C. § 102 - *Asano*

In response to Applicants' arguments previously set forth on the record, the Examiner merely responds by asserting that the reference does teach the acquisition of transfer speed information (data attribute) from equipment, citing to the Abstract, col. 2, lines 31-44, and col. 8, lines 38-42. Applicants maintain that while *Asano* may teach acquiring transfer speed information, the

method of obtaining the transfer speed information is insufficient to anticipate the present invention as set forth in claim 12.

Applicants have previously noted that *Asano* utilizes computer 98 to facilitate setting a common transmission speed between facsimile machine 2 and facsimile machine 72. The data transmission speed setting device includes an inquiry command transmission means for transmitting an inquiry command to a remote device at a predetermined transmission speed; transmission speed capability acquisition means for receiving, from the remote device, a response to the inquiry command and for determining, based on the content of the response, any transmission speeds common between the remote device and the transmission device (col. 2, lines 31-39 and col. 8, lines 38-42).

In contrast, the present invention as set forth in claim 12 recites, *inter alia*, a method of data transfer comprising acquiring attribute information of data managed by an equipment connected to a network wherein the attribute information is included in the content of data received in a communication from the equipment. There is no teaching or suggestion in *Asano* that is directed to acquiring attribute information of data managed by an equipment connected to a network **wherein the attribute information is included in the content of data received in a communication from the equipment.** *Asano* clearly teaches acquiring transmission speed information by transmitting an inquiry command to the remote

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device. There is no teaching or suggestion in *Asano* that is directed to including the attribute information in the content of data received in a communication from the equipment. As such, *Asano* fails to teach this claim element. As *Asano* fails to teach or suggest all of the claimed elements as set forth in claim 12, it is respectfully submitted that claim 12 is not anticipated by *Asano*. It is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claims 13-18 and 20 contain elements similar to those discussed above with regard to claim 12, and thus these claims, together with claims dependent thereon, are not anticipated by *Asano*. As such, it is respectfully requested that the outstanding rejection be withdrawn.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees

required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By _[signature]_ #19382

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